IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 525 of 1997

Between:

1 J.P.Ranjit Singh , s/o. lakshman Singh,
R/o. Tirupati, aged 53 years, Busness, residing at Tirupati.
2 V.R.Ayyanathan, S/o. Sri V.Ramaswamy Devar, Business,
R/o. Tirupati.
3 Smt. Jaithun Amma, W/o. late D.A.Mohammed Ali,
R/o. Tirupati.
4 Habeed Amma, D/o. late D.A.Mohammed Ali,
R/o. Tirupati.
5 Karimullah, S/o. late D.A.Mohammed Ali,
R/o. Tirupati.
6 Rahamadullah, S/o. late D.A.Mohammed Ali,
rep.by his mother and guardian Jaithun Amma 3rd petitioner herein .

..... PETITIONERS

AND

1 The State of A.P., rep.by it's Secretary,Housing and Municipal Administration, Secretariat Buildings, Hyderabad.
2 The Commissioner, Tirupathi Municipality,
Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction particularly one in the nature of Writ of Mandamus , declaring the action of the 2nd respondent herein in issuing notice bearing Roc.No...../A8/99 dt.9.1.1997 as being illegal and arbitrary;

Counsel for the Petitioner: MR.S.V.SUNDARARAJAN

Counsel for the Respondents : MR.V.RAGHUNATH REDDY

The Court made the following :

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 525 of 1997

ORDER:

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Heard both the Counsel.

The writ petition is filed for a writ or direction particularly in the nature of writ of Mandamus declaring the action of the 2nd respondent in issuing notice, dated 9.1.1997 as being illegal, arbitrary and to pass such suitable orders.

In WPMP No.614 of 1997, dated 21.1.1997, this Court granted interim stay of eviction of the petitioners from the shops bearing Nos.36, 36/A, 36/B situated at Gandhi Road, Tirupati until further orders.

The main grievance ventilated by the writ petitioner is that reasonable and proper opportunity had not been given in this regard. No doubt certain contentions relating to the aspect of enhancement as provided by the Rules also had been canvassed before this Court.

Be that as it may. In view of the facts and circumstances, it would be just to dispose of the writ petition with the following direction:

> The 2nd respondent to put the writ petitioners on notice, in case the petitioners are continuing in the respective shops by virtue of the interim order granted by this Court and to pass appropriate orders in relation to the questions which had been raised in the writ petition within a period of six weeks from the date of receipt of a copy of this Order. Till then, status quo as on today to be maintained. No order as to costs.

11th February, 2005

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Copy to:

1. The Secretary, The State of Andhra Pradesh,

   Housing and Municipal Administration, Secretariat Buildings, Hyderabad.

2. The Commissioner, Tirupathi Municipality,

   Tirupathi, Chittoor District.

3. Two C.D.Copies.